

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MCALLISTER TOWING AND	:	
TRANSPORTATION COMPANY, INC.,	:	CIVIL ACTION
et al.	:	
	:	
	:	
Plaintiffs,	:	
v.	:	
	:	NO. 12-2208
UNITED STATES OF AMERICA	:	
	:	
Defendant.	:	

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of April, 2014, upon consideration of the Defendant United States of America's Second Motion to Dismiss (Docket No. 21), Plaintiffs McAllister Towing and Transportation Company, Inc. and McAllister Towing of Philadelphia, Inc.'s Response in Opposition to the Second Motion to Dismiss (Docket No. 23), Defendant's Reply to Plaintiffs' Response (Docket No. 29), Plaintiffs' Motion for Summary Judgment (Docket No. 24), Defendant's Response in Opposition to Plaintiffs' Motion for Summary Judgment (Docket No. 30), Defendant's Motion for Summary Judgment (Docket No. 31), and Plaintiffs' Response in Opposition to Defendant's Motion for Summary Judgment (Docket No. 32), it is hereby

**ORDERED** that:

1. Defendant United States of America's Second Motion to Dismiss (Docket No. 21) is **GRANTED**,
2. Plaintiffs' Motion for Summary Judgment (Docket No. 24) is **DENIED AS MOOT**, and
3. Defendant's Motion for Summary Judgment (Docket No. 31) is **DENIED AS MOOT**.

This case is **CLOSED**.

It is so **ORDERED**.

BY THE COURT:

*s/ Ronald L. Buckwalter*  
RONALD L. BUCKWALTER, S. J.